



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 20, 2022

BY EMAIL

Honorable Jed S. Rakoff
United States District Judge
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *United States v. Vitaly Borker*, 22 Cr 273 (JSR)


Dear Judge Rakoff:

As the Court is aware, on October 18, 2022, the defendant sent a letter to the Court via email, *inter alia*, "alerting the Court to a potential *Curcio* issue in connection with a potential trial witness for the Government." Defense counsel separately informed the Government that the anticipated trial witness, the defendant's mother, has paid counsel's legal fees in this matter. The Government does not intend to call the defendant's mother as a witness at trial. Consequently, the parties jointly agree that the potential conflict of interest regarding the *Curcio* issue raised in the defendant's October 18 letter is mooted.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: _____


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